



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MAY 17, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

1. CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:11 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. G.H. Jones, and Mr. Michael Parks.

Commission member absent was: Mr. Don Maxwell (Parliamentarian).

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. Randy Haynes, Staff Planner; Mr. Martin Zimmermann, Senior Planner; Ms. Julie Fulgham, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; Mr. Rodney Schmidt, Planning Intern.

Chairperson Hughes announced that case no. PV07-25 concerning 10 acres on the southeast side of North Earl Rudder Freeway had been withdrawn and that no public hearing would take place. He also announced that the Commission will hold a public hearing but will not be able to take action on regular agenda item #12 (case no. RZ07-23) due to an inadvertent notification error.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

Commissioners Parks and Horton filed an affidavit in response to state law on disclosure of local

official's conflict of interest regarding item #9, Rezoning RZ07-20. Commissioners Parks and Horton will not participate in deliberation or voting on this agenda item.

Commissioners Horton and Clark filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding item #10, Rezoning RZ07-21. Commissioners Horton and Clark will not participate in deliberation or voting on this agenda item.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from the workshop and regular meetings on May 3, 2007.

B. CONSIDERATION – Final Plat FP07-10

J. Fulgham

Proposed Final Plat of Calvin Addition consisting of 2.06 acres of land in the Extraterritorial Jurisdiction (ETJ) of Bryan located on Woodville Road, between Rabbit Lane and Elaine Drive in Brazos County, Texas.

C. CONSIDERATION – Final Plat FP07-13

R. Haynes

Proposed Final Plat of Hidden Oaks Estates consisting of 31.765 acres of land in the Extraterritorial Jurisdiction (ETJ) of Bryan located near Grassbur Road and FM 1179 in Brazos County, Texas.

D. CONSIDERATION – Master Preliminary Plan MP07-03

M. Zimmermann

Proposed Master Preliminary Plan of Autumn Lake Subdivision consisting of 36.243 acres of land located along the northwest side of West Villa Maria Road between Mana Court and Kingsgate Drive in Bryan, Brazos County, Texas.

Commissioner Jones moved to approve the Consent Agenda. Commissioner Clark seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF RESUBDIVISION

5. PUBLIC HEARING/CONSIDERATION – Replat RP07-11

J. Fulgham

Proposed replat of portions of three lots along East William Joel Bryan Parkway into one lot, being 0.287 acres of land in Block 8 of the Bryan Original Townsite in Bryan, Brazos County Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). She stated that the case involved combining three smaller lots into one larger lot in Bryan Original Townsite. Staff recommends approval.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Beckendorf moved to approve Replat RP07-11, as requested. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF EXCEPTION (Commission has final approval; appeals may be directed to City Council.)

6. PUBLIC HEARING/CONSIDERATION – Planning Exception PE07-01

R. Haynes

A request for approval of an exception from standards of the Subdivision Ordinance requiring the installation of a 5-foot wide sidewalk in conjunction with the subdivision of property at 1626 Saunders Street, being Lot 10, Block 27, Tract 229 in the Stephen F. Austin Survey #9, A-62 in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the applicant asked that the requirement to install sidewalks along his property be waived. Staff recommends denying the request, because the installation of sidewalks would not deny the landowner reasonable use of his land. Although sidewalks are not currently in place along Saunders Street, staff believes that the installation of sidewalks will promote the general welfare of the entire community by providing walking paths near major thoroughfares. Mr. Haynes also mentioned that sidewalks could improve the human traffic flow into and out of nearby San Jacinto playground and Santa Teresa Catholic Church.

The public hearing was opened.

Mr. Randy McDade, 1626 Saunders Street, Bryan, Texas, came forward to speak in favor of the request. He advised the Commission that there are no other sidewalks along Saunders Street and felt that there should not be sidewalks on his property.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, came forward to speak against the request. She advised the Commission that she is in support of sidewalks in the area.

The public hearing was closed.

Commissioner Clark moved to deny Planning Exception PE07-01, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Clark stated that sidewalk exceptions should be looked at on a case-by-case basis. He felt that sidewalk construction was the best decision in this case.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF VARIANCES (Commission has final approval; appeals may be directed to City Council.)

7. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-22

R. Haynes

A complete variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts, to legitimize previous installation of a carport that extends all the way to the front property line on property at 1908 Marshall Avenue, occupying Lot 14 in Block 6 of Milton Darwin's Subdivision – Phase 2 in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). As the result of a general complaint by a neighbor, the applicant was cited by the Code Enforcement Department for installing a carport in front of the existing single-family home, without building permits and without city site plan approval. The carport may extend one or two-feet beyond this site's front property line along Marshall Avenue. The front supports of the carport appear to be in the public right-of-way. Lots in MU-1 zoning districts generally require a minimum 25-foot front building setback. The applicant is requesting a complete variance from this standard, to legitimize previous construction of this carport. Staff recommends denying the variance. Staff contends that granting this request may not only adversely affect the physical character of development on this lot, but in this entire neighborhood.

Responding to a question from the Commission, Mr. Haynes stated that the carport extends past the water meter and is, therefore, probably located in the right-of-way. The water meter is typically the threshold point for the public right-of-way, and since the carport extended past this, it is believed that the carport is in the public right-of-way.

The public hearing was opened.

Mr. Jerry Contreras, 1908 Marshall Avenue, Bryan, Texas, came forward to speak in favor of the request. He said that the carport was built in 1991 and is not on the water meter. He and his family would like to keep the carport because it protects their vehicles from sun and hail damage.

Responding to questions from the Commission, Mr. Contreras stated that the carport was blown down by a storm and then rebuilt closer to the road. He also stated that rainwater drains into the culverts in front of the house and carport.

The public hearing was closed.

Commissioner Beckendorf moved to postpone voting on Planning Exception PV07-22 until the Commission's regular meeting on July 19th, 2007. Commissioner Jones seconded the motion.

Commissioner Beckendorf stated that he wanted to postpone the vote because he wanted time to investigate this and other cases in the vicinity further.

The motion passed with a unanimous vote.

8. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-24

R. Haynes

A 5-foot variance from the minimum 100-foot lot depth generally required on lots in Mixed Use Residential Districts (MU-1) on property at 1626 Saunders Street, occupying Lot 10 in Block 27, Tract 229 in the Stephen F. Austin Survey #9, A-62 in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Staff recommends approving the 5-foot variance to the minimum required lot depth. The lot comfortably exceeds the minimum requirement of 5,000 square feet of lot area.

The public hearing was opened.

Mr. Randy McDade, 1626 Saunders Street, Bryan, Texas, came forward and told the Commission that his two lots were addressed differently. One was addressed 1626 and the other was 1621 Saunders Street. Staff resolved the issue with Mr. McDade.

The public hearing was closed.

Commissioner Jones moved to approve Planning Variance PV07-24, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Clark stated that if Mr. McDade was so inclined, he could subdivide his lots even further.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)

Chairperson Hughes advised that Commissioners Parks and Horton had filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding the following agenda item #9, Rezoning RZ07-20. Commissioners Parks and Horton will not participate in deliberation or voting on this agenda item.

9. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-20

J. Fulgham

A request to change the zoning classification from Residential District – 5000 (RD-5) to Residential – Neighborhood Conservation District (R-NC) for all lots in The Oaks Addition – 5th Installment, located around Hillside and Old Oaks Drives in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). She stated that most of lots in this subdivision are developed with single-family homes. Staff recommends approving the request.

The public hearing was opened.

Mr. James Restivo, 2603 Briar Oaks Drive, Bryan, Texas, came forward to speak in opposition to the request. He stated that he disagreed with the rezoning because he felt it would be an invasion of his privacy.

Ms. Sharon Pennell, 3506 Old Oaks Drive, Bryan, Texas, came forward to speak in favor of the request. She stated that roughly 70% of those notified about this petition in the Oaks subdivision supported the zoning classification change and asked the Commission to support Rezoning RZ07-20.

Ms. Pamela Stetz, 2909 Oakside Drive, Bryan, Texas, came forward to speak in favor of the request. She stated that her neighborhood was intended to be for single-family, not multiple-family dwellings.

The public hearing was closed.

Commissioner Bonds moved to recommend approval of Rezoning RZ07-20, as requested, accepting the findings of staff. Commissioner Davila seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote. Commissioners Parks and Horton did not participate in deliberation or voting on this agenda item.

Chairperson Hughes advised that Commissioners Horton and Clark had filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding the following agenda item #10, Rezoning RZ07-21. Commissioners Horton and Clark will not participate in deliberation or voting on this agenda item.

10. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-21

J. Fulgham

A request to change the zoning classification from Residential District – 7000 (RD-7) to Residential – Neighborhood Conservation District (R-NC) for all lots in the North Oakwood Subdivision, located around South Texas and North Avenues in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). She stated that property owners in the North Oakwood Subdivision have submitted a request for a zoning classification change to Residential-Neighborhood Conservation District. Most of the homes in this neighborhood are single-family dwellings and staff recommends that the request be approved.

The public hearing was opened.

Ms. Cindy Gordon, 108 College View, Bryan, Texas, came forward and requested help in changing the zoning classification of 15 lots between North Avenue and Brookside from South College Residential District. Chairperson Hughes recommended that Ms. Gordon consult with staff on the issue.

Ms. Janice Clark, 504 Crescent Drive, Bryan, Texas, came forward to speak in favor of the request. She feels that the 13 properties zoned South College – Residential District should also be eligible for rezoning to R-NC.

The public hearing was closed.

Commissioner Bonds moved to recommend approval of Rezoning RZ07-21, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote. Commissioners Horton and Clark did not participate in deliberation or voting on this agenda item.

11. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-22

M. Zimmermann

A request to change the zoning classification from a combination of Residential District – 5000 (RD-5) and Residential District – 7000 (RD-7) to Planned Development (PD) District allowing a private school and related facilities on 16.62 acres of land located at 3000 West Villa Maria Road in Bryan, Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Brazos Christian School has requested a change in the zoning classification of its property to become a Planned Development District allowing for private schools and related facilities. Brazos Christian School has requested that buildings with a floor area of less than 1,500 square feet be allowed to have 100% metallic facades. Additionally, the school proposes that the standard 25-foot open space buffer be replaced by a 15-foot wide open space buffer along the east property line. Although staff recommends approving the proposed rezoning and metallic facades for structures less than 1,500 square feet, staff does not recommend approving the 15-foot open space buffer.

Responding to questions from the Commission, Mr. Zimmermann advised that the existing buildings are 12-feet from the eastern property line and that there was no additional open space requirement other than the 25-foot wide buffer around the margin of this site.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to recommended approval of Rezoning RZ07-22, accepting the findings and recommendations of staff requiring a 25-foot wide open space buffer around the margin of the entire site. Commissioner Davila seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

12. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-23

R. Haynes

A request to change the zoning classification from Retail District (C-2) to Multiple-Family District (MF) on 5.47 acres of land located at 3803 Wellborn Road in Bryan, Brazos County, Texas.

Chairperson Hughes reminded those in attendance that no action will be taken on regular agenda item #12, Rezoning RZ07-23, but that a public hearing will be held.

The public hearing was opened.

Ms. Janet Friddle, 4400 Old College Road, Bryan, Texas, came forward and stated that she does not support the zoning change because she feels it will harm her business, Reveille Ranch.

Mr. Rusty Adams, 2704 Barronwood, Bryan, Texas, came forward and stated that he was concerned about water drainage issues on his property.

Mr. J.D. McCrady, 511 Olive, Bryan, Texas, came forward and requested advice on what could be done to prevent adjacent properties from creating water drainage issues that negatively impact his property. He was advised by the Commission to contact staff to discuss the issue.

Mr. Gregory Taggart, 2551 A Texas Avenue South, College Station, Texas, came forward and stated that his full presentation would wait until the case was considered by Commission. He also stated that any drainage issues would be addressed at the time of site development.

The public hearing was closed.

REQUEST FOR ANNEXATION OF PROPERTY (Commission makes recommendation; City Council has final approval.)

13. PUBLIC HEARING/CONSIDERATION – Annexation ANNEX07-01 M. Zimmermann

A request to annex 74 acres of land, more or less, out of Thomas J. Wooten League A-59, lying adjacent and contiguous to the present corporate limits of the City of Bryan and extending for approximately 1100 feet along the east side of Jones Road approximately 500 feet north from its intersection with West Villa Maria Road, in Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). He stated that staff recommends approving the annexation of the 74 acres because it will promote orderly urban growth. Staff also recommends approving the property owners' request to zone the property Residential District 5000 (RD-5) upon annexation.

Commissioner Parks inquired as to the future land use of the annexed property. Staff commented that the land will likely be used to build a school and thus the RD-5 classification would be most appropriate.

The public hearing was opened.

Mr. Curtis Lard, 105547 North Dowling Road, Brazos County, Texas, came forward to speak in favor of the request.

The public hearing was closed.

Commissioner Parks moved to recommend approval of Annexation ANNEX07-01, accepting the recommendations of staff. Commissioner Horton seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

14. COMMISSION CONCERNS

Commissioner Beckendorf commented that the Commission needs to spend more time discussing the variance issues in the city. He also expressed his gratitude to Code Enforcement for their efforts.

Commissioners Jones, Clark, and Davila seconded Commissioner Beckendorf's comments.

Commissioner Park commented that he wants more time to discuss variances. Commissioners Bond and Horton seconded Commissioner Park's comments.

Commissioner Clark raised a concern about being able to disseminate his ideas to other members of the Commission when the Commission was not together as a group. Ms. Janis Hampton advised that it would be better to have communication among Commissioners at the meetings and not sent via e-mail.

Chairperson Hughes commented that he enjoyed the elongated workshop meeting.

15. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 7:41 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 7th day of **June, 2007**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission

DRAFT